

**Bridgeville****Section 1. INCORPORATION**

The municipal corporation of the State of Delaware heretofore known as "Commissioners of Bridgeville" shall be continued a municipal body corporate of the State of Delaware in perpetuity.

**Section 2. BOUNDARIES**

The boundaries of the Commissioners of Bridgeville are hereby established and declared to be as follows:

That the corporate limits and boundaries of the Town of Bridgeville, hereinafter designated as "Commissioners of Bridgeville", shall include all the land within the following limits:

The center of the town to be the middle of Laws and Market Streets, thence one line to run South seventy-seven and one-half degrees West one hundred and twenty rods; one line North twelve and one-half degrees West one hundred and sixty rods; one line North seventy-seven and one-half degrees East one hundred and twenty rods; one line South twelve and one-half degrees East one hundred and sixty rods, which lines hit the middle of the outside lines which bound the town, and which are: Beginning at a stone East of J. H. Myer's barn, runs North seventy-seven and one-half degrees East two hundred and forty rods; thence South twelve and one-half degrees East three hundred and twenty rods; thence South seventy-seven and one-half degrees West two hundred and forty rods; thence North twelve and one-half degrees West three hundred and twenty rods, to beginning.

Every citizen of the said town of the age eighteen years or upwards, or persons arriving at the age of eighteen years since the last Town Assessment, shall have one vote provided he or she has registered on the "Books of Registered Voters" of the Town of Bridgeville. The Commissioners of Bridgeville shall provide two registers to be known as the "Books of Registered Voters" which shall be kept by the Secretary and shall be conclusive evidence of the right of any person to vote at the annual election. The "Books of Registered Voters" shall contain the names of those persons who have registered in alphabetical order and the following information for each registrant: the name and permanent address of the registrant, the local address of the registrant, the birth date of the registrant, the date the registrant became a resident of the Town of Bridgeville, and other pertinent information. No person shall be registered upon the "Books of Registered Voters" unless he or she will have acquired the qualifications to vote in the annual election for the year in which he or she registers. A person shall be required to register one time; provided, however, that if a registered voter fails to vote in two consecutive annual elections in which there is a contest, his name shall be removed from the "Books of Registered Voters" and notice shall be sent to said registered voter at his last known address by registered mail with return receipt requested advising that his name has been removed from the list of registered voters and that it will be necessary to register again in order to be eligible to vote in the annual election. A person may register at the office of the Secretary during the regular office hours by completing such forms as may be provided by the Town; provided, however, that no person shall be registered after the close of business on the tenth day prior to the date of the annual election."

The Commissioners of Bridgeville may, at any time hereafter, cause a survey and plot to be made of the said boundaries and may cause suitable markers to be installed at corners of offset, and the said plot, when made and approved by the Commissioners, may be recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in this State. 59 Del. Laws, c. 62

**Section 3. ANNEXATION**

If and when a majority of the property owners in territory contiguous to the Town of Bridgeville shall sign a petition seeking to have the area in which said property owners reside annexed to the Town of Bridgeville and submit the petition together with a survey of the area proposed for annexation to the Town of Bridgeville, the said Commissioners shall submit the question of annexation to the voters of the Town of Bridgeville and the question shall be determined by a majority of said voters voting at an election to be held for that purpose in such manner by such persons and with such notice as the Commissioners of Bridgeville shall determine by resolution.

**SECTION 3A. Annexation of Property Five (5) Acres or Less:**

The Commissioners shall have the authority to annex any territory containing five (5) acres or less contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code.

A. Any property owner(s) holding record fee title to real property in territory five (5) acres or less contiguous to the then existing corporate limits of the Town may petition the Commissioners to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Commissioners may, ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Bridgeville.

B. The Commissioners shall introduce an ordinance proposing the annexation of such territory of five (5) acres or less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

C. If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected to the Commissioners, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the ordinance failed to receive the required affirmative vote.

D. If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the certification of the Commissioners' vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the President and certified by the Town Clerk, with the Town seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, but in no event shall said recordation be completed more than ninety (90) days following the date of adoption. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation. 80 Del. Laws, c. 177, § 1

#### **Section 4. STRUCTURE AND POWERS OF GOVERNMENT**

The Government of the Town of Bridgeville and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in five Commissioners. (One of whom shall be by them chosen President.)

#### **Section 5. ELECTIONS**

A. The Commissioners may by ordinance establish five (5) representative districts in Bridgeville. Five (5) members of the Commissioners of Bridgeville shall be nominated and elected from the several districts in which they reside. The Commissioners shall redistrict within one (1) year of the completion of the U.S. decennial census and may redistrict within one (1) year of the annexation of new territory within the Town limits.

B. Upon the establishment of representative districts by ordinance, all Commissioners shall be elected for a term of two (2) years. In order to stagger the terms of Commissioners, districts shall be divided into two categories: the first category shall be Districts 1, 2, and 3, and the second category shall be Districts 4 and 5. The Commissioners from the first category shall stand for election at the first general election next following the adoption of an ordinance establishing election districts, and the second category shall stand for election at the second general election following such establishment. Thereafter, elections for Commissioner in each district shall be conducted every two (2) years. The candidate for Commissioner who shall have the highest number of votes in a district shall be declared elected for such term.

C. An election shall be held in the Town of Bridgeville for Commissioners on the first Saturday of March from twelve o'clock noon to seven o'clock in the afternoon and at such place as shall be determined and fixed by the Town Commissioners.

D. Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the corporate limits of the Town for at least thirty (30) days prior to the next Town election; is registered to vote in the State of

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Delaware; and is registered as required by law in Bridgeville, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote in any or all Town elections.

E. Except as set out herein, the conduct of general elections of the Town of Bridgeville and absentee voting shall be governed by the laws of Delaware set out in Chapter 75, Title 15, Delaware Code, entitled Municipal Elections, as it may be from time to time hereafter amended. 59 Del. Laws, c. 62; 61 Del. Laws, c. 279; 66 Del. Laws, c. 144; 71 Del. Laws, c. 269; 71 Del. Laws, c. 274; 73 Del. Laws, c. 422; 75 Del. Laws, c. 245; 75 Del. Laws, c. 344; 79 Del. Laws, c. 31, § 1;

### **Section 6. POWERS OF THE TOWN**

The Commissioners of Bridgeville shall have all the Powers granted to municipal corporations and to cities by the Constitution and general laws of the State of Delaware, together with all the implied powers necessary to carry into execution all the powers granted. The Commissioners of Bridgeville shall continue to enjoy all powers which have been granted to it by special acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The Commissioners of Bridgeville, as a body politic and corporate, shall succeed to, own or possess all property whether real, personal, or mixed, and all the rights, privileges, franchises, powers and immunities now belonging to, possessed by, or enjoyed by the former corporation known as "The Commissioners of Bridgeville."

The Commissioners of Bridgeville may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise, lease or condemnation, for the purpose of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas system, or other municipal purposes, but not for a gas manufacturing or generating plant, and may sell, lease, mortgage, hold, manage and control such property or utility as its interest may require; and except as prohibited by the Constitution of the State of Delaware or restricted by this Charter, the Commissioners of Bridgeville shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Commissioners of Bridgeville shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

### **Section 7. QUALIFICATION OF ELECTIVE OFFICERS**

A. No person shall be eligible for the office of Commissioner who shall not be at the time of his or her election at least twenty-one (21) years of age; shall have resided in the Town for at least one year immediately preceding the date of election; shall be a qualified voter of the Town of Bridgeville for at least one (1) year; and shall not have been convicted of a felony.

B. No person shall be voted upon as a candidate for any of such offices unless at least four weeks before the date set for said election, he or she shall have filed with the Secretary or President of said Town Commissioners a letter or other certificate setting forth that he or she will be a candidate for the office of Commissioner. 79 Del. Laws, c. 31, § 2

### **Section 8. MEETINGS OF COMMISSIONERS**

The Commissioners of Bridgeville shall hold an organization meeting in the evening of the second Monday of the month following their election and shall meet regularly on the second Monday of each and every month thereafter at such place as the Commissioners by resolution provide. Special meetings may be called by the President or by written request of any three Commissioners. All meetings, especially organization meetings, shall be open to attendance by the public.

### **Section 9. PRESIDENT'S RELATIONSHIP TO COMMISSIONERS**

The President shall be the executive of the Town of Bridgeville. He shall preside at meetings of the Commissioners, and shall have vote therein. He shall execute on behalf of the Town, when authorized by the Commissioners, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. He shall appoint all committees. He shall countersign all orders, checks or warrants authorized by the Commissioners and drawn on the Finance Director for the payment of money; and he shall have all and every power conferred and perform all duties imposed upon him by this Charter and the ordinances of the Town of Bridgeville. 74 Del. Laws, c. 239

In case of the temporary absence or inability to act of the President, the Commissioners shall elect a President pro tempore from among the Commissioners to act during such temporary absence or inability of the President.

**Section 10. POWERS OF COMMISSIONERS**

The Commissioners shall constitute the legislative body of the Town of Bridgeville and together shall be designated as the Commissioners.

The Commissioners shall have power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the Town, which power shall extend to the area inside the Town limits and within one mile from said limits. The Commissioners may also pass ordinances to ascertain and fix boundaries of streets, squares, lanes and alleys; or repair and amend the same, and provide for the paving thereof, or to close, alter, extend, or widen any street, square, lane, or alley, or open and lay out new ones subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys; to fix the building lines upon the same; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide police and the lighting of streets at the expense of the Town, and generally to prescribe and regulate the use of the streets, lanes and alleys of the Town and to have and exercise control over the same; subject to the provisions in that behalf hereinafter contained, and to the general supervision and control of the General Assembly, to provide for the regulations of auctions and auctioneers, also to regulate public amusements, to fix and declare and regulate the width of party walls, to provide for the safety of the citizens and for that purpose may prescribe the heights, thickness of walls and materials of buildings and the mode of erecting the same within said Town; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcement of such regulations; to regulate by ordinance or otherwise the sale of goods, wares and merchandise on the streets and sidewalks within the Town of Bridgeville, and fix the license fee thereof and the penalty for not paying said fee or the breach of any other provision of such ordinance or regulation and in all other respects regulate the markets within the said Town of Bridgeville. Provided, that no license fee shall be charged the local producer who vends meats, fruits, vegetables or other farm products; to provide against the adulteration of milk and cream sold or sought to be sold in the said Town, and to provide for the proper inspection of the same; and in its discretion to provide for the payment of the expenses thereof; to provide for the measuring or weighing of coal, lime, grain, or other matter sold in the said Town; to regulate the storage of gunpowder or any other dangerous matter. They shall have power to lay and collect fines on the owners of any horse, cow, dog, or other animal which may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general shall have power to do all those matters and things for the well-being of the said Town, which shall not be in contravention of any existing laws of this State or the Constitution thereof. The Commissioners shall not have power to exempt any individual from the operation of any general ordinance or municipal regulations. The Commissioners shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said Town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of registering, the amount of the annual fee thereof, and the penalty for not registering by ordinance.

**Section 11. JUDGE OF QUALIFICATIONS OF COMMISSIONERS**

The Commissioners shall be the judge of the election and the qualifications of its members and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the Commissioners shall be subject to review by the Courts.

**Section 12. RULES OF PROCEDURE; RECORD**

The Commissioners shall determine its own rules of procedure and order of business. It shall keep a record of its proceedings and the records shall be open to public inspection. Election of appointive officers shall be by a majority vote of the Commissioners and the results shall be entered on the record of the Commissioners.

**Section 13. QUORUM AND MAJORITY REQUIREMENT**

A majority of the members elected to the Commissioners shall constitute a quorum to do business but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No ordinance shall be valid unless it shall have the affirmative vote of a majority of the members elected to the Commission. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of the members of the Commission present. No member shall be excused from voting on ordinances, resolutions, orders or motions.

**Section 13 A. Vacancies**

If any vacancy shall occur in the office of President or Commissioner, by death, resignation, loss of residence in the City of Bridgeville, refusal to serve, failure to elect or otherwise, the same may be filled by a majority vote of the Commissioners of Bridgeville, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected Commissioners and shall hold office until the next annual election, at which time said vacancy or vacancies shall be filled by an election for the remainder of the unexpired term. 54 Del. Laws, c. 94

**Section 14. ORDINANCES**

In addition to such acts of the Commissioners as are required by this Charter or by other State Law to be by ordinance, every act of the Commissioners establishing a fine or other penalty shall be by ordinance. The enacting clause of all ordinances shall be "The Commissioners of Bridgeville hereby ordain."

**Section 15. PROCEDURE FOR ENACTING ORDINANCES**

Every ordinance shall be introduced in writing and no ordinance shall be passed unless it shall have the concurrence of a majority of the members elected to the Commissioners and unless it shall have been read in its entirety at least one time prior to the taking of the vote thereon. All ordinances passed after the effective date of this Charter shall be copied into the records of the Commissioners and an index of such ordinances shall be kept by the Secretary.

**Section 16. ORGANIZATION CHANGES BY THE COMMISSIONERS**

The enumeration of certain officials in this Charter to be appointed by the Commissioners is not to be construed as a limitation on the power of the Commissioners to create such new offices as may be deemed essential to accomplish the objectives of the Town of Bridgeville, and to provide for the selection of suitable persons to fill any positions or offices.

**Section 17. THE SECRETARY**

The Secretary shall record all the proceedings of the Commissioners and keep a correct record of the same in a book to be provided for the purpose and shall file and keep in a safe place the Seal of the Town and all papers and documents relative to the affairs of the Town; and deliver the same to his successor in office. The Secretary shall attest the Seal of the Town when authorized by the Commissioners and shall perform such duties and have such other powers as may be prescribed by the Commissioners. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Commissioners and the public under such regulations as Commissioners may prescribe. The Secretary may be a member of the Commissioners. He shall be elected by ballot at the annual organization meeting for a period of one year or until his successor is duly elected and qualified.

**Section 18. THE SOLICITOR**

At the annual organization meeting the Commissioners shall elect by ballot a Town Solicitor for a term of one year or until his successor shall have been duly elected and qualified. The Town Solicitor shall be a member of the Bar of the State of Delaware. It shall be his duty to give legal advice to the Commissioners and other officers of the Town, and to perform other legal services as may be required of him by the Commissioners.

**Section 19. THE ALDERMEN**

At the annual organization meeting or as soon thereafter as practicable, the Commissioners shall elect by ballot some suitable person or persons to be Aldermen of the Town of Bridgeville to serve as such for the term of one year, or until their successor shall be duly elected and qualified; subject, however, to be removed from office at any time by a vote of two-thirds of all the members comprising the Commissioners. He may or may not be a Justice of the Peace but he shall not be a member of the Commissioners. Before entering upon the duties of his office he shall be sworn or affirmed by the President or by any one of the Commissioners, or by any Justice of the Peace, to perform the duties honestly, faithfully, and diligently. He shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said Town so far as to arrest and hold for bail, or fine and imprison offenders, and he shall also have jurisdiction and cognizance of forfeitures, and penalties which may be prescribed by any law of this State, or by any ordinance of the Town Commissioners regularly passed and established for the government of the Town. Provided, that in the case of a violation of an ordinance, he shall impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for a longer term than 60 days in default of the payment of a fine imposed by him. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all their official acts. Their salary for any service under this Section shall be established by the Town Commissioners. If any vacancy shall occur in the office of the Alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by the Commissioners at any meeting thereafter

for the residue of the term. If any Aldermen shall be removed from their office by the Commissioners as herein provided, he shall deliver to their successor in office within two days after the election of their successor, all books and papers belonging to their office, and shall pay over to the Finance Director of the Town all moneys in their hand belonging to the said Town within five days after their removal; upon their neglect or failure to deliver to their successor in office, within the time aforesaid, all the books and papers belonging to their office, or upon neglect or failure to pay over to the Finance Director of the Town, within the time aforesaid, all moneys belonging to the Town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars.

The Aldermen at every stated meeting of the Commissioners shall report to it all fines and penalties imposed by him since their last meeting, and pay to the Finance Director of the Town all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty Dollars nor more than One Hundred Dollars. 59 Del. Laws, c. 62; 71 Del. Laws, c. 155; 74 Del. Laws, c. 239;

#### **Section 20. THE FINANCE DIRECTOR**

At the annual organization meeting the Commissioners shall elect by ballot a Finance Director for a term of one year, or until his successor shall have been duly elected and qualified. He shall be custodian of all funds of the Town of Bridgeville and shall deposit them, daily, in banking institutions located in the Town as designated by the Commissioners.

He shall not pay out any money except upon check or warrant countersigned by the President and authorized by the Commissioners; shall keep a true, accurate and detailed account of all monies received and of all monies paid out by him; shall preserve all vouchers for monies paid by him; and his books and accounts shall at all times be open to inspection by the President or the members of the Town Commissioners; and he shall make such reports and at such times as the Commissioners may direct. He may be a member of the Commissioners.

The Finance Director, before entering upon the duties of his office, shall give bond to the Commissioners of Bridgeville at the expense of the Commissioners of Bridgeville in such manner as shall by them be determined, with surety to be approved by said Commissioners conditioned for the faithful performance of the duties of his office. 74 Del. Laws, c. 239

#### **Section 21. THE ASSESSOR**

The Assessor shall be elected by ballot at the annual organization meeting for a period of one year or until his successor has been duly elected and qualified. His duties shall be as hereinafter provided. The Commissioners may act, in the alternative, as their own assessor. 59 Del. Laws, c. 62

#### **Section 22. POLICE**

It shall be the duty of the Commissioners to appoint a police force consisting of a Chief and such number of subordinates as the Commissioners may deem wise; and the Commissioners shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Force shall be subject to the directions of the Commissioners, and may be removed by the Commissioners subject to the provisions of Section 23. They shall preserve peace and order, and shall compel obedience, within the Town limits, of the ordinances of the Town and the laws of the State; and they shall have such other duties as the Commissioners shall from time to time prescribe.

Each member of the Police Force shall be vested, within the Town limits and within one mile outside of said limits with all the powers and authority of a Constable of Sussex County, and may carry firearms, and in case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

#### **Section 23. COMPENSATION OF OFFICERS AND EMPLOYEES**

The Commissioners shall have Power to fix the compensation of all officers elected by ballot at the annual organization meeting, and such other officers, employees and agents of the Town, which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer or employee may be removed by the commissioners for sufficient cause; however after 5 years service, removal may not be made without a hearing before the full Board of Commissioners. 54 Del. Laws, c. 93

#### **Section 24. FISCAL YEAR**

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The fiscal year of the Town of Bridgeville shall begin on the first day of July of each year and shall end on the last day of June. Such fiscal year shall also constitute the budget and accounting year. 71 Del. Laws, c. 278

**Section 25. BUDGET**

Annually each year, and not later than the the first Tuesday in June the Commissioners shall cause to be submitted a budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year.

The budget shall contain the following information:

1. A detailed estimate of the expense of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the Town from any source or sources.
6. Commissioners shall allow adequate reserve for depreciation.

The budget shall be used as a guide in determining Town expenditures but shall not be a limitation upon the power of the Commissioners to appropriate funds in excess of the amounts set forth in the budget, if in its discretion it seems advisable to do so. 71 Del. Laws, c. 278

**Section 26. INDEPENDENT ANNUAL AUDIT**

Each year in the month of February the Commissioners shall designate a certified public accountant or firm of certified public accountants, who as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of fiscal transaction of the Town government and shall submit their report to the Commissioners. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or of any of its officers. They shall not maintain any accounts of the Town business, but shall, within specifications approved by the Commissioners, audit the books and documents of the Finance Director or other appropriate officer and any separate or subordinate accounts kept by any other office, department, or an agency of the Town government. When received, the report of the auditors shall become part of the minutes of the Commissioners. 74 Del. Laws, c. 239

**Section 27. POWER TO RAISE REVENUE**

The Commissioners shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware, provided that the Commissioners shall have power to levy and collect taxes on all real property in the Town in an amount unlimited as to rate or amount for the purpose of paying the principal and interest on general obligation bonds of the Town issued pursuant to Section 29 of this Act. The Commissioners shall have the right to grant or refuse, and to charge fees for licenses, or permits for businesses of any description carried on within the limits of the Town as well as for transient businesses and shows except as otherwise provided herein. The Commissioners shall likewise have the power to levy and collect taxes upon the individual residents of the age of twenty-one years or over, commonly known as "head tax". The Commissioners shall also have the power to levy and collect franchise taxes and to impose sewer rentals and water rentals. 54 Del. Laws, c. 120; 61 Del. Laws, c. 278; 65 Del. Laws, c. 23; 70 Del. Laws, c. 348; 74 Del. Laws, c. 198;

All business establishments employing ten or more employees brought within the boundaries of the Town of Bridgeville by virtue of the adoption of this Charter, or by virtue of any future extension of said boundaries shall be exempt from Town taxation for the term of ten years from the time said plants are or brought within the boundaries of said Town. 59 Del. Laws, c. 62

The Commissioners shall have the power by ordinance to allow discounts for early payment of taxes, to impose reasonable penalties and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation, provided, however, that no such exemption shall be in favor of a free enterprise profit making organization unless it shall come within the terms of the exemption for any established manufacturing plants as hereinbefore provided.

The Commissioners shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

The Commissioners shall have the power and authority by ordinance to levy, assess and collect or provide for the levying, assessment and collection of such taxes as shall be determined by the Commissioners to be paid by the transferor or transferee upon the transfer of real property or any interest in real property, situated within the corporate limits of the Town of Bridgeville, regardless of where the instruments making the transfers are made, executed and delivered or where the actual settlements upon such transfers occur; provided, however, that no tax levied under this Section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred; and provided further that no tax shall be levied upon an organization exempted from *ad valorem* real estate taxes. No ordinance providing for a tax on the transfer of real property or any interest in real property authorized under this Section shall become effective unless it receives an affirmative vote of two-thirds of all the elected members of the Commissioners of Bridgeville. If the taxing power or authority granted under this Section shall be exercised by way of a stamp affixed to a document presented for recording, the Recorder of Deeds in and for Sussex County shall not receive for record any documents subject to said tax unless such stamps are affixed thereto. The Commissioners of Bridgeville may adopt an ordinance to provide for the effective administration and regulation of any tax adopted pursuant to the provisions of this Section. 71 Del. Laws, c. 258

#### **Section 28. THE TOWN MAY ENGAGE IN BUSINESS**

The Town of Bridgeville shall have the right to engage in any business or enterprise in which a person, firm or corporation might engage by virtue of a franchise, except the provision of telephone or telegraph service and except the generation or distribution and sale of electric light and power; and shall have the right and power to acquire, own and maintain, within or without the corporate limits of such Town, all real estate for municipal purposes for sites and right-of-ways for public utility and general welfare purposes and for the location, erection and maintenance thereon of municipal utility plants and public facilities.

In any case where the Commissioners may deem it to be to the best interests of the people of the Town of Bridgeville to acquire the properties of any privately owned utility except a telephone or telegraph corporation and except electric generation or distribution within the present or future boundaries of the Town, the question shall be submitted to a vote of the freeholders of the Town of Bridgeville. The Commissioners may at any time call a special election for such purposes upon thirty (30) days notice. In acquiring said utility property, the Town of Bridgeville shall respect the franchise rights of the owners and shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties by municipalities. The Town Commissioners shall be authorized to negotiate the aforementioned purchase only upon the approval of a majority of the freeholders of the Town of Bridgeville.

#### **Section 29. POWER TO BORROW MONEY**

The Town of Bridgeville may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town of Bridgeville or revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment for the supply and distribution, but not for the manufacture or generation, of gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing, or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the Town of Bridgeville in the cost of any permanent municipal improvement. If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed \$4,000,000 at any one time. 53 Del. Laws, c. 165; 69 Del. Laws, c. 17; 74 Del. Laws, c. 197;

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Bridgeville within the meaning of the bonded indebtedness limitation; provided, however, that in the event of some emergency, the Town of Bridgeville may temporarily borrow, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the Town of Bridgeville out of revenue subsequently received from the undertaking. If revenue bonds are issued, the Commissioners shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

Before the Town of Bridgeville may incur indebtedness by the issuance of bonds as aforesaid, the borrowing of money shall have been authorized by the Commissioners and shall have been approved in the following manner:



1. The Commissioners shall by resolution propose to the freeholders of the Town of Bridgeville the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in Sussex County nearest to the Town of Bridgeville at least one week prior to the hearing date.
2. A public hearing shall be held at which time all persons interested wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Commissioners.
3. If the Commissioners desire to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than 30 days nor more than 60 days after the day of such resolution.
4. The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in Sussex County nearest to the Town of Bridgeville once a week for 3 successive weeks prior to the election. The special election shall be conducted by the Election Board as herein provided for annual elections.
5. The Commissioners shall cause the Election Board to prepare, print and have available for distribution a sufficient number of ballots not less than five days prior to the day of the special election. At said referendum, every citizen of the said Town who shall have attained the age of eighteen (18) years shall have one (1) vote, and in addition, every individual, partnership or corporation owning property within the corporate limits of the Town of Bridgeville shall also have one (1) vote and the said vote of an individual, partnership or corporation may be cast either in person or by proxy. If a freeholder whose Town Taxes are delinquent shall offer to vote, his vote shall be refused until such time as he can produce to the election board a receipt showing his Town Taxes to be paid in full. 65 Del. Laws, c. 24
6. The Election Board shall count the votes for and against the proposed loan and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same to the Commissioners, which certificates shall be entered on the minutes of the Commissioners, and the original shall be filed with the papers of the Commissioners. Provided, however, no bond issue shall be deemed approved unless a majority of those voting at such referendum shall vote for such bond issue.
7. The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Commissioners. The bonds may be sold either at public or private sale. The Council shall provide, in its budget, for revenues sufficient to pay the interest and principal on the said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the Town of Bridgeville shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value. 53 Del. Laws, c. 294
8. If the Election Board shall deliver to the Commissioners a certificate that a majority of those voting at such referendum shall have voted for such bond issue, then in anticipation of issuance of said bond, the council may, by resolution, borrow such money in such amounts and upon such terms and conditions as it may find necessary and authorize the issuance of negotiable notes therefore. 65 Del. Laws, c. 24

For the purposes set forth herein, the Commissioners of Bridgeville may accept grants or loans of money, labor, material, equipment or technical assistance from agencies of the federal or state government or from interstate agencies. The Commissioners of Bridgeville may issue bonds to evidence loans made by an agency of the federal or state government, at private sale. The Commissioners of Bridgeville may pledge its taxing power to the payment of the bonds without limitation as to rate or amount and the bonds may be payable at a place approved by the agency making the loan. Bonds issued pursuant to this section shall not be subject to the limitations set out herein. 74 Del. Laws, c. 197

Notwithstanding the foregoing provisions of this section, the Commissioners, after conducting a public hearing, may authorize the issuance of bonds, certificates of indebtedness, notes, or other obligations of the Town under this section in an aggregate amount of up to \$4,000,000 outstanding at any time, without regard to the requirements set forth in paragraphs 1 through 8 of this section, if:

- (i) the funds to be borrowed are from a Federal or State source;
- (ii) the interest rate on such borrowing is fixed at zero (0%) percent;
- (iii) the borrowing comes with one hundred (100%) percent forgiveness of principal upon successful completion of the project financed with funds borrowed pursuant to this paragraph (c);

(iv) the Commissioners, by Resolution (adopted by at least a majority of all of the members elected to the Commissioners of Bridgeville) approve of the issuance of bonds, certificates of indebtedness, notes or other obligations pursuant hereto for a proper municipal purpose with such Resolution stating the amount of such issuance, or borrowing, the purpose of such issuance or borrowing, the manner, if any, of securing the same, that the amount of all other bonds, certificates of indebtedness, notes, and other obligations issued pursuant to this paragraph do not exceed \$4,000,000 and any other facts relating to the issuance which are deemed pertinent by the Commissioners and in its possession at that time; and

(v) the public hearing required under this section includes in the hearing notice the total amount that the Commission is planning to borrow, and the project or projects that the borrowed funds will be used to finance. In addition to complying with the requirements of the state Freedom of Information Act, the hearing notice must be posted at least seven days in advance of the hearing, not including the day of the hearing.

Except for the provisions of paragraphs 1 through 8 of this section, all other provisions of this section, if not in conflict, shall be applicable to the bonds, certificates of indebtedness, notes, and other obligations issued pursuant to this paragraph. 78 Del. Laws, c. 345, § 1

Notwithstanding the foregoing provisions of this section, the Commissioners may authorize the issuance of bonds or other obligations under this section in an aggregate amount of up to \$1,500,000 outstanding at any time, without regard to the limitations of the first paragraph of this section and the requirements set forth in paragraphs 1 through 8 of this Section 29, if the Commissioners, by Resolution (adopted by at least a majority of all members elected to the Commissioners) approves of the issuance of bonds or other obligations pursuant hereto for a proper municipal purpose with such Resolution stating the amount of such issuance, the purpose of such issuance, the manner of securing the same, that the amount of such other bonds and obligations issued pursuant to this paragraph does not exceed \$1,500,000 and any other facts relating to the issuance which are deemed pertinent by the Commissioners of Bridgeville and in their possession at that time. Such Resolution (or a subsequent Resolution adopted by at least a majority of all members elected to the Commissioners) shall establish the form of the bonds or certificates of indebtedness, the time or times of payments, the interest rate or rates, the classes, the series, the maturity or maturities, the registration, any callable or redeemable features, the denominations and the name or names thereof and any other relative or appurtenant matter pertaining thereto. Before authorizing the issuance of bonds or other obligations pursuant to this section, the Commissioners shall hold a public hearing. The public hearing required under this section includes in the hearing notice the total amount that the Commission is planning to borrow, and the project or projects that the borrowed funds will be used to finance. In addition to complying with the requirements of the state Freedom of Information Act, the hearing notice must be posted at least seven days in advance of the hearing, not including the day of the hearing. 78 Del. Laws, c. 355, § 1

Notwithstanding the foregoing provisions of this section, the Commissioners may authorize the issuance of bonds or other obligations under this section in order to refinance current outstanding debt and pay the costs of issuing the refunding bonds, without regard to the limitations of the first paragraph of this Section and the requirements set forth in paragraphs 1 through 8 hereof. 80 Del. Laws, c. 177, § 2

### **Section 29A. TAX INCREMENT FINANCING AND SPECIAL DEVELOPMENT DISTRICTS**

In addition to all other powers Commissioners may have, and notwithstanding any limitation of the law, the Commissioners of Bridgeville shall have all powers and may undertake all actions for the purposes set forth in, and in accordance with Title 22 of the Delaware Code, Chapter 17, relating to the Municipal Tax Increment Financing Act and Chapter 18 relating to Special Development Districts. 75 Del. Laws, c. 8

### **Section 30. BORROWING, FOR CURRENT EXPENSES**

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Commissioners shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of \$500,000.00. 65 Del. Laws, c. 285

To exercise the power aforesaid the Commissioners shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Commissioners. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby. Such short-term debt shall not be considered as part of the bonded debt of the Town when limitations under indebtedness, as set forth elsewhere in this Charter, are computed.

### **Section 31. ELECTION OFFICERS**

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All elections shall be held by an Election Board consisting of the Judge of Elections of the State of Delaware residing in the Town of Bridgeville together with two other persons, not Commissioners, to be appointed by the President with the approval of the Commissioners. Should the members of the Election Board be absent from any designated place of election at the time of said election, or fail or neglect to act in the conduct of such election, during all the time the polls are open, the voters present at the polls shall choose such number of persons as shall be necessary to fill the places vacant due to the absence of the proper officials. 59 Del. Laws, c. 62

When the polls shall have been closed, the election officers shall publicly count the ballots and shall certify the result of the election to each of the persons elected and to the Commissioners.

### **Section 32. CONTRACTS**

All contracts of whatever character involving an expenditure above an amount determined by resolution of the Commissioners shall be written and shall be let and made by the Commissioners and shall be based on specifications provided by the appropriate person designated by the Commissioners.

Pending advertisement for bids, any plans, specifications, and profiles to be used in the proposed work or contract shall remain on file in the office of the Commissioners and shall be subject to the inspection of any interested person. All Contracts and purchases above an amount determined by resolution of the Commissioners shall be entered into and made only after advertising not less than two times in a newspaper of general circulation in Sussex County nearest the Town of Bridgeville, inviting competitive bids. Each such bid shall be sealed and filed with the person designated by the Commissioners. All bids shall be opened in the presence of the Commissioners or a duly authorized committee of the Commissioners and shall remain on file.

The Commissioners shall consider all bids which have been properly filed and may enter into a contract with the party offering the lowest and/or best bid, or they may reject all bids and re-advertise for bids, or they may have the work done under the supervision of the proper department of the Town. The awarding of a contract to the successful bidder shall give no right of action or claim against the Town upon such bid or contract until the same shall be reduced to writing and duly signed by the contracting parties. The Commissioners shall have the power to require all bidders to post bonds to secure the performance of the contract and all claims for labor and material used in the work. The Commissioners may reject any supplies as well as any other public work and buy supplies on the open market at a price less than the lowest bid received, or, if no bids are received, the Commissioners may direct the purchase of supplies in the open market. Nothing in this Section shall be construed to apply to contracts for the provision of utility service at rates regularly on file with the Public Service Commission of Delaware or any federal regulatory body.

### **Section 33. ASSESSMENT PROCEDURE**

The Assessor shall annually make a true, just and impartial valuation and assessment of all real estate within the Town except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware and also of such personal property as is subject to County assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed. He shall prepare and submit to the Commissioners on or before March 1 two or more copies of the assessment showing the location of each parcel of real and personal property, by street and number or other suitable description. When the Commissioners approve the roll as prepared or as modified by the Commissioners it shall cause a full and complete transcript thereof to be posted in said Town on or before the 15th of March at that place designated by the Commissioners; the said transcript to remain posted up to but not including the appeal day. Notice shall be advertised in a newspaper of general circulation in Sussex County nearest the Town of Bridgeville at least once and notice shall be given by posting such announcement in at least five public places throughout the Town. Such notice shall show the time and place where the assessment list may be viewed and the time and place of hearing appeals.

On the fourth Saturday of March, the Commissioners shall hold a court of appeals, which may continue open from one o'clock P. M. to eight o'clock P. M. and on such successive Saturdays as may be necessary during which time the Commissioners shall hear and determine appeals from the said assessment and shall make such corrections or additions as may be deemed necessary and proper. If the said appeal day shall fall on a holiday, the appeals shall be heard on the next day. The decision of a majority of the Commissioners sitting on appeals shall be final and conclusive in respect to all appeals.

No members of the Commissioners shall sit on his own appeal, but the same shall be heard and determined by the other members of the Commissioners. After the said valuation and assessment shall be examined and adjusted by the Commissioners all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

### **Section 34. COLLECTION OF TAXES AND SPECIAL ASSESSMENTS**

As soon as practicable after the beginning of the new fiscal year, the Commissioners shall deliver to the Finance Director a list containing the names of the taxables and opposite the name of each the amount of his real and personal property assessment, the rate of taxation per hundred dollars of assessed valuation and the total amount of the tax. The list shall be certified by the Secretary of the Commissioners. All taxes shall be paid to the Finance Director, subject to such discounts and penalties and rules as the Commissioners may direct.

It shall be the duty of the Finance Director to proceed forthwith to collect all taxes in the calendar year in which assessed and in the collection of said taxes he shall have all the powers conferred upon or vested in the Receiver of Taxes and the County Finance Director for Sussex County.

The provisions of Title 25, Sections 2901 through 2905 of the Delaware Code Annotated, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter. 74 Del. Laws, c. 239

### **Section 35. POWER OF THE COMMISSIONERS OVER STREETS**

The several posts and mark stones now set and fixed or which may hereafter be established in the middle of the streets of said Town of Bridgeville, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the Town of Bridgeville shall in all cases and in all courts of law within the State, be deemed, taken and allowed as land marks. The said Town of Bridgeville by itself or by its servants or agents shall have the right to enter upon any land within the limits of the Town and thereon set and fix such posts and mark stones as in the judgment of the Commissioners is necessary; and if any person shall willfully tamper with or remove any of said post or mark stones such persons shall, for each such offense, forfeit and pay a fine of one hundred dollars; and the Town of Bridgeville may reward the informer of such offense by allowing him a portion of said penalty not exceeding a one-half thereof.

The Commissioners shall have the power and authority to lay out, locate and open new streets and to widen or to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it for the best interests of the Town; provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State Agency. The procedure shall be as follows:

The Commissioners shall, by a majority vote, adopt a resolution for the opening of a new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the Commissioners will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five (5) or more public places in the Town at least five (5) days before the day fixed for the hearing aforesaid and shall be published in a newspaper of general circulation in Sussex County nearest the Town of Bridgeville at least five (5) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, and to all person or persons having or claiming any interest or lien therein, at least five (5) days before the day fixed for the hearing, by personal services or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, said Commissioners shall hear such residents of the Town, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the Town, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in their prior resolution. In case the determination of the Commissioners shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequence thereof.

Such compensation as may be awarded shall be paid by the Finance Director of the Town on a warrant drawn on him by the authority of the Commissioners. Any land owner, or person having or claiming any interest or lien therein, who may be dissatisfied with the compensation awarded by the Commissioners, may, within five (5) days after notice of the award of the Commissioners, appeal therefrom by serving written notice to that effect on the President. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Resident Judge of the Superior Court of the State, in Sussex County, for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be residents in the Town of Bridgeville, commanding them to determine and fix the damages which the appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will inure to the appellant, and to make return of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or sent by registered mail to his last known address, and if not served personally by posting a copy on the premises affected at least fifteen (15) days before the day when the freeholders are to

view the premises, and a copy of such notice should also be served on the President at least fifteen (15) days before the day of such meeting. The freeholders named in such commission, being first sworn or affirmed on the day and at the hour and place stated in the notice shall view the premises and hear the witnesses, and shall without delay, determine and fix the damages, if any, which said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceedings to the said Resident Judge, who shall cause a copy of said return to be delivered to the President, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. On application within twenty (20) days after the award the said Judge may set aside a grossly improper award and appoint a new Commission. The amount of damages being ascertained, the Town may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the Town to the credit of the person entitled thereto. Within the said period of one (1) month, and thereupon the Town may carry into effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the Office of the Prothonotary of Sussex County.

In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Finance Director of the Town of Bridgeville, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be Five Dollars (\$5.00) per day to each, which shall be taxed as a part of the costs. 74 Del. Laws, c. 239

### **Section 36. Sewer and Water Main Improvements**

The Commissioners shall have the entire jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said Town, and may pass ordinances for the construction of water treatment and distribution systems, sewerage systems for the collection, treatment and disposal of sewage, liquid or solid wastes, industrial wastes, or the like; and the opening of gutters, drains and sewers for the management of storm water within the limits thereof. And the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clean, and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and shall bear the expenses thereof and may in its discretion assess the costs of sanitary sewers or water main improvements upon the property particularly benefitted thereby, except such real estate as is exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, and prescribe the mode of collection thereof; provided, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Commissioners of the Town of Bridgeville shall determine, either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair, or water main improvements, or on its own initiative, that such construction, improvement, alteration, or repair of sanitary sewers or water main improvements is required, it shall proceed in accordance with law to undertake work and surveys necessary to make a report estimating cost and apportioning assessments. The Commissioners shall then proceed as hereinbefore described for street improvements. The Commissioners may perform such construction, improvement, alteration, or repair by contract or municipal agency. Provided, that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers or water main improvements may be made upon the property abutting upon that portion of the street in which any sanitary sewer or water main improvement may be constructed under the provisions of this Charter, and shall be based upon the lineal feet of such property abutting on such street, each such lineal foot being assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sanitary sewer or water main improvement in one of such streets, only the front of such property shall be liable for such assessments. The Commissioners on individual appeals according to rules established by them, shall in all cases decide what portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage shall not exceed one hundred and twenty-five (125) feet and side frontage thus determined shall be exempt from the payment of any sanitary sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Commissioners may determine. No property shall be assessed for the cost of constructing the sanitary sewer or water main improvement and connecting the same with the disposal plant or water distribution system, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer or water main improvement has been built, or unless such property has the right of access to such street or desires to use such sanitary sewer or water main improvement and the sanitary sewer or water main improvement is constructed upon the street upon which the property abuts, in either of which cases such property shall be liable for the same assessment as though a sanitary sewer or water main improvement was constructed in the

portion of the street on which such property abuts, and the property shall not be liable for any further assessment for sanitary sewer or water main improvement purposes. Where any such assessments shall be made upon any land for the cost of construction a sanitary sewer or water main improvement and connecting it with the disposal plant or the water distribution system, the Commissioners shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Commissioners from time to time. The word street shall be deemed and held to comprehend and include highways, lanes and alleys.

The Commissioners of Bridgeville shall have the authority to extend water and sewage service within two miles of the town limits of the Town of Bridgeville, under such terms and conditions as they may negotiate with the property owners within the area defined, providing the taxes, water and sewer rents are not less than that paid by the residents of the Town of Bridgeville.

The Commissioners of Bridgeville shall have the authority to enter into and perform a contract or contracts with any city, town, municipality, or agency of the state, county, or federal government for the disposal of sewage collected by any sewerage system either for a specified or unlimited time and for a charge to be made for such service by or to any such city, town, municipality, or agency of the state, county, or federal government, and for the sale, purchase, treatment, purification, transmission, or distribution of water for a specified or any unlimited time and for the charge to be made for such service by or to any such city, town, municipality, or agency of the state, county, or federal government.

As used herein, 'sanitary sewer' shall include all sewers, pipelines, conduits, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, outfalls, real and personal property, and appurtenances.

As used herein, 'water main improvements' shall include the Bridgeville water system and all real and personal property necessary or useful in the collections, acquisition, treatment, purifications, and distribution of water, together with any principal or ancillary rights appurtenant thereto. 56 Del. Laws, c. 212; 65 Del. Laws, c. 404; 66 Del. Laws, c. 318; 77 Del. Laws, c. 173, § 1;

### **Section 37. SIDEWALKS AND GUTTERS**

Whenever the Town of Bridgeville shall have determined that any paving, graveling or guttering of the sidewalks or any or either or all of them, shall be done it shall notify the owner or owners of land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of said owner or owners, to cause such paving, graveling or guttering to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the Commissioners may proceed to have the same done, and when done the Finance Director of the Town of Bridgeville shall as soon as convenient thereafter present to the said owner or owners of such lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in the Town of Bridgeville, such bill may be presented to the occupier or tenant of said land or if there be no occupier or tenant resident in the Town of Bridgeville, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Commissioners to issue an order in the name of "Commissioners of Bridgeville" under the hand of the President, and the seal of the said corporation, directed to the Finance Director of the Town of Bridgeville, commanding him to proceed to collect said delinquent assessment as levied in accordance with the authority granted under Section 34 "Collection of Taxes and Special Assessments" of this Act. The claim for paving, graveling or guttering shall be a lien on the premises in front of which the said work was done, and shall have the same priority and be collectible in the same manner as municipal property taxes. If any new paving is ordered by the Commissioners as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower. Any notice required by this section to one co-owner, shall be notice to all; and in case no owner shall reside in the Town, notice may be served upon the occupier or tenant of said premises resident in the Town, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section, shall apply to any order made by the Commissioners in respect to any such paving, graveling, or guttering heretofore done, which the Commissioners may deem insufficient or to need repairing. The Commissioners in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance, all the requirements of this section by imposing such fines and penalties as shall be in the judgment of the Commissioners necessary and proper.

The paving and guttering outside of said curbing shall be done by the Commissioners at the expense of the Town, except in case of property exempt from taxation, in which case the owner or owners of said exempt property shall pay for the paving and guttering outside of said curbing, and in case said owners refuse so to pave and gutter, the Commissioners may proceed to have the same done and collect the expense thereof in the same manner and by the same proceedings as

are hereinbefore provided, in case of paving, graveling and guttering sidewalks, footways, etc., where the owners of property refuse to pave, gravel and gutter sidewalks and footways in front of their property. 74 Del. Laws, c. 239

**Section 38. PROCEEDINGS MAY BE ABANDONED**

The Commissioners may by resolution, abandon in whole or in part at any time during the pendency thereof or within sixty days after the final order of any court upon appeal from an award or assessment. When proceedings are abandoned by resolution of the Commissioners, as provided by this Section, the Commissioners may not begin new proceedings involving the same work, service, improvement, or action within six months after abandonment. If prior to the resolution of abandonment, possession of condemned property has been taken, the owner shall have a right of action to recover damages for the use and occupation with interest thereon from the date when possession was taken.

**Section 39. LEVYING OF SPECIAL ASSESSMENTS**

The Town of Bridgeville is hereby authorized and empowered to levy and collect special assessments upon property in a limited and determinable area for special benefits accruing to such property as a consequence of any municipal public work or improvement; and to provide for the payment of all or any part of the cost of the work, service, or improvement out of the proceeds of such special assessments.

**Section 40. ASSESSMENTS PAYABLE IN INSTALLMENTS**

The Commissioners may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be within ten years in annual or more frequent installments, and assessments for current services shall be payable within one year.

**Section 41. ASSESSMENTS NOT TO EXCEED VALUE OF BENEFIT**

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

**Section 42. NEW DEVELOPMENTS AND SUBDIVISIONS**

Whenever it is contemplated that a new real estate development shall be undertaken, the Commissioners shall require the developer to submit plans and supporting documents to the Commissioners or Planning Commission for approval prior to the actual construction and/or installation of improvements and utilities.

Whenever the installation of new facilities is contemplated in a partially developed area, the Commissioners shall make a careful determination of the ability of the area to support the cost of the projected improvement before approving it.

**Section 43. SEVERABILITY OF CHARTER PROVISIONS**

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter are declared to be severable.

**Section 44. FORMER GOVERNMENT IN FORCE**

All ordinances, resolutions, orders, rules, or regulations in force in the Town of Bridgeville at the time this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Commissioners otherwise provide by ordinance, notwithstanding any change in organization effected by this Charter.

**Section 45. CONTINUANCE IN OFFICE**

All persons holding any non-elective office or employment under the Town of Bridgeville at the time this Charter goes into effect shall continue in such office or employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

The President of the Commissioners of Bridgeville shall continue as the President of the Town and the Commissioners of the Town shall continue as Town Commissioners until their successors are elected and qualify as previously provided for in this Charter.

**Section 46. APPOINTMENT AND REMOVAL OF A TOWN MANAGER**

The Commissioners may by ordinance provide for and establish a Town Manager. It may state his qualifications and duties and shall fix his salary. The Town Manager shall be responsible to the Commissioners and may be removed by the Commissioners upon a vote of a majority of the members elected to the Town Commissioners. The duties of other officers may be eliminated and combined with the duties of the Town Manager if the ordinance so provides. Neither the President nor any member of the Town Commissioners may be appointed Town Manager during his term of office or within one year thereafter, except in the event of a national emergency. 78 Del. Laws, c. 342, § 1

#### Section 47

43 Del. Laws, c. 158 entitled "An Act to Reincorporate the Town of Bridgeville" is hereby repealed.

#### Section 48.

All driving and vehicular traffic and coaches, as well as pedestrians on the public streets within the limits and territory of the Commissioners of Bridgeville shall be governed by the provisions of Sections 4111 and 4181, inclusive, Title 21, Delaware Code of 1953, as heretofore or hereafter amended by the General Assembly of the State of Delaware, except to the extent that such provisions have been altered or supplemented by ordinance duly passed by the Commissioners as authorized by Title 21, Chapter 41, Delaware Code of 1953. The Alderman of the Commissioners of Bridgeville shall have the power to impose the maximum penalty authorized by the provisions above referred to. 54 Del. Laws, c. 92

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**Approved July 3, 1957.**

51 Del. Laws, c. 237; 53 Del. Laws, c. 165; 53 Del. Laws, c. 294; 54 Del. Laws, c. 92; 54 Del. Laws, c. 93; 54 Del. Laws, c. 94; 54 Del. Laws, c. 120; 56 Del. Laws, c. 212; 59 Del. Laws, c. 62; 61 Del. Laws, c. 278; 61 Del. Laws, c. 279; 62 Del. Laws, c. 279; 64 Del. Laws, c. 299; 65 Del. Laws, c. 23; 65 Del. Laws, c. 24; 65 Del. Laws, c. 285; 65 Del. Laws, c. 404; 66 Del. Laws, c. 144; 66 Del. Laws, c. 318; 69 Del. Laws, c. 17; 70 Del. Laws, c. 348; 71 Del. Laws, c. 125; 71 Del. Laws, c. 258; 71 Del. Laws, c. 269; 71 Del. Laws, c. 274; 71 Del. Laws, c. 278; 73 Del. Laws, c. 422; 74 Del. Laws, c. 197; 74 Del. Laws, c. 198; 74 Del. Laws, c. 239; 75 Del. Laws, c. 8; 75 Del. Laws, c. 245; 75 Del. Laws, c. 344; 77 Del. Laws, c. 173; 78 Del. Laws, c. 342, § 1; 78 Del. Laws, c. 345, § 1; 78 Del. Laws, c. 355, § 1; 79 Del. Laws, c. 31, §§ 1, 2; 80 Del. Laws, c. 177, §§ 1, 2;